

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
ERIE DIVISION

DEMETRIUS BROWN,	)	
Plaintiff,	)	
	)	
	)	
v.	)	Civil Action No. 04-379E
	)	
U.S. JUSTICE DEPARTMENT,	)	
BUREAU OF PRISONS, FCI MCKEAN,	)	
WARDEN JOHN J. LAMANNA,	)	
REGIONAL DIRECTOR D. SCOTT	)	
DODRILL, MEDICAL DIRECTOR	)	
NEWTON E. KENDIG, DIRECTOR	)	
HARLEY G. LAPPIN,	)	
Defendants.	)	

ORDER

AND NOW, this \_\_\_\_\_ day of February, 2006,

IT IS HEREBY ORDERED THAT, THE Defendants' Motion to Dismiss  
Or, in the Alternative, Motion for Summary Judgment is **DENIED**.

IT IS FURTHER ORDERED THAT, the parties are allowed ten (10)  
days from this date to appeal this order to a district judge  
pursuant to Local Rule 72.1.3 B. Failure to appeal within ten (10)  
days may constitute waiver of the right to appeal.

\_\_\_\_\_  
/s/

cc:All parties of record